

Message Text

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PAGE 01 PARIS 29803 121026Z

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ACTION L-02

INFO OCT-01 ARA-06 EUR-12 ISO-00 SNM-02 DEAE-00 SCA-01

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 5079

INFO AMCONSUL MARTINIQUE

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E.O. 11652: N/A

TAGS: CPRS, CGEN, SNAR, FR, MB

SUBJECT: EXTRADITION - BETTANCOURT, NEWBALL, GOMEZ

REF: STATE 270274

1. EMBOFF CALLED ON DOMPGNAC-LATOUR DECEMBER 11 TO DISCUSS FRENCH INTERPRETATION OF 40-DAY PERIOD IN GENERAL, AND SPECIFICALLY QUESTIONS RAISED REFTEL. DOMPGNAC-LATOUR STATED THAT IN FRENCH VIEW, 40-DAY LIMIT WITHIN WHICH DOCUMENTS TO SUPPORT EXTRADITION MUST BE PRESENTED BEGINS WITH DATE OF ARREST. IF SUBJECT WHOSE PROVISIONAL ARREST HAS BEEN REQUESTED IS ARRESTED ON FRENCH CHARGES WHICH FRENCH AUTHORITIES THEN PURSUE, 40-DAY LIMIT HAS NO PRACTICAL EFFECT, AS IN ANY CASE SUBJECT WILL IN ALL LIKELIHOOD BE DETAINED WELL BEYOND 40-DAY PERIOD TO SATISFY REQUIREMENTS OF FRENCH JUSTICE. HOWEVER, IF FRENCH CHARGES ARE NOT PURSUED, 40-DAY LIMIT WOULD APPLY FROM DATE OF ARREST.

2. IN CASE OF BETTANCOURT ET AL, DOMPGNAC-LATOUR IS UNDER IMPRESSION THAT, UNDER WHATEVER CIRCUMSTANCES ARRESTS WERE ACTUALLY MADE, OUR REQUEST FOR PROVISIONAL ARREST FOR EXTRADITION TOOK PRIMACY OVER ANY FRENCH INTEREST IN THE CASE. HOWEVER, HE ADMITTED THAT HE DID NOT HAVE FULL DETAILS ON THE CASE, AND WOULD ASK

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PAGE 02 PARIS 29803 121026Z

MINISTRY OF JUSTICE TO VERIFY FACTS BY CABLE WITH MARTI-

NIQUE. IN ANY CASE, HE COULD SEE NO BASIS ON WHICH PERIOD OF DETENTION COULD BE PROLONGED BEYOND 40 DAYS FROM DATE OF ACTUAL ARREST, UNLESS PROCUREUR SHOULD PURSUE FRENCH CHARGES AGAINST SUBJECTS.

3. WE MENTIONED PROBLEM OF PREPARING TRANSLATIONS IN TIME TO MEET 40-DAY LIMIT, AND ASKED WHETHER PRESENTATION OF DULY CERTIFIED DOCUMENTS IN ENGLISH WITHIN 40-DAY LIMIT, FOLLOWED AS SOON AS POSSIBLE BY CERTIFIED TRANSLATIONS, WOULD MEET FRENCH REQUIREMENTS. DOMPGNAC-LATOUR THOUGHT IT PROBABLE SUCH A PROCEDURE WOULD BE ACCEPTABLE, POINTING OUT THAT WITH CERTAIN COUNTRIES WITH WHICH FRANCE HAS MANY EXTRADITION CASES, GERMANY FOR EXAMPLE, NEITHER COUNTRY REQUIRES TRANSLATIONS OF EXTRADITION DOCUMENTS. HE MUST CHECK THIS POINT BEFORE GIVING DEFINITE RESPONSE, BUT PROMISED TO HAVE A DEFINITE REPLY ASAP.

4. DOMPGNAC-LATOUR SAID HE WILL UNDERTAKE TO SEE THAT PROCUREUR RECEIVES INSTRUCTIONS BY CABLE ON EXTRADITION PROCESS, AND SPECIFICALLY ON POINT THAT DATE OF PRESENTATION TO MFA OF JUDICIAL DOCUMENTS SUPPORTING EXTRADITION REQUEST IS EFFECTIVE DATE FOR DETERMINING COMPLIANCE WITH 40-DAY LIMIT.
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